

06/19/00  
JC854 U.S. PTO

06-20-00

DOCKET NO.: 19603/3296 (CRF D-2098B)  
EXPRESS MAIL NO.: EL542863819US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT APPLICATION TRANSMITTAL FORM  
(only for new nonprovisional applications under 37 CFR 1.53(b))

JC490 U.S. PTO  
09/596784  
06/19/00

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

BOX: PATENT APPLICATION

SIR:

Transmitted herewith for filing is the patent application (including Specification, Claims, and Abstract, 65 pages) of:

Inventors : Adam J. Bogdanove, Jihyun Francis Kim, Zhong-Min Wei, and Steven V. Beer

For : **HYPERSENSITIVE RESPONSE ELICITOR FROM *ERWINIA AMYLOVORA*,  
ITS USE, AND ENCODING GENE**

*\*\*If a CONTINUING APPLICATION, please mark where appropriate and supply the requisite information below and in a preliminary amendment:*

☐ continuation ☒ divisional ☐ Continuation-In-Part (CIP)  
of prior application Serial No. 09/120,663

Prior application information: Examiner : O. Zaghmout  
Art Unit : 1649

Enclosed are:

- ☒ 5 sheets of informal drawings.
- ☐ **Signed** Combined Declaration and Power of Attorney (\_\_\_\_\_ pages).
- ☒ **Copy** of two **signed** Combined Declaration and Power of Attorney (2 pages each) from a prior application (1.63(d) (for continuation/divisional).
- ☐ **Signed** statement deleting inventor(s) named in prior application (\_\_\_\_\_ pages) (1.63(d)(2) and 1.33(b)).
- ☒ **Incorporation By Reference:** The entire disclosure of the prior application, from which a **copy** of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the enclosed application and is hereby incorporated by reference therein.
- ☐ Assignment (\_\_\_\_\_ pages) of the invention to \_\_\_\_\_.
- ☐ Assignment Transmittal Letter.
- ☐ Certified copy of a foreign priority document.
- ☐ Associate power of attorney.
- ☒ Two verified statements to establish small entity status (2 pages each) (copy filed in prior application).

- ☒ Preliminary Amendment (1 page).
- ☒ Information Disclosure Statement, form PTO-1449 (11 pages) and 160 references (not enclosed).
- ☐ **UNSIGNED** Combined Declaration and Power of Attorney (\_\_\_\_\_ pages).
- ☒ Request for Transfer of Computer Readable Record and Statement in Accordance with 37 CFR § 1.821(f).
- ☒ A self-addressed, prepaid postcard acknowledging receipt.
- ☐ Other:


The Filing fee has been calculated as shown below:

(Col. 1)		(Col. 2)	SMALL ENTITY		OR	LARGE ENTITY	
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BASIC FEE	XXXXXXXX	XXXXXXXX	XXXX	\$345	OR	XXXX	\$690
TOTAL CLAIMS	18 - 20 =	0	x 9 =	\$0	OR	x 18 =	\$
INDEP CLAIMS	1 - 3 =	0	x 39 =	\$0	OR	X78 =	\$
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			x 130 =	\$	OR	x260 =	\$
*If the Total Claims are less than 20 and Indep. Claims are less than 3, enter "0" in Col. 2			TOTAL	\$345	OR	TOTAL	\$

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- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1138. **A duplicate copy of this sheet is enclosed.**
- ☒ Address all future communications to:

Michael L. Goldman  
NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603

Date: June 19, 2000

  
Edwin V. Merkel  
Registration No. 40,087

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603  
Telephone: (716) 263-1128  
Facsimile: (716) 263-1600

**EXPRESS MAIL CERTIFICATE**

DOCKET NO.: **19603/3296 (CRF D-2098B)**

APPLICANTS: **Adam J. Bogdanove, Jihyun Francis Kim, Zhong-Min Wei, and  
Steven V. Beer**

TITLE: **HYPERSENSITIVE RESPONSE ELICITOR FROM  
ERWINIA AMYLOVORA, ITS USE, AND ENCODING GENE**

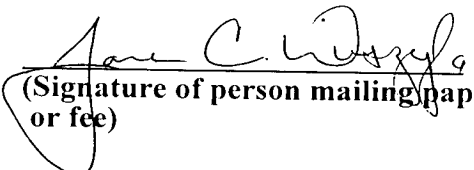
Certificate is attached to the **Utility Patent Application Transmittal Letter**  
(2 pages) of the above-named application.

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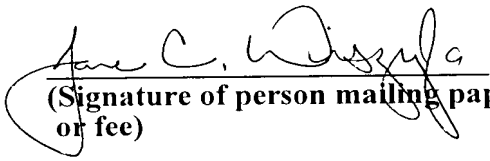
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Certificate is attached to the copy of the **Two Verified Statements Claiming Small Entity Status (2 pages each)** as filed in the prior application of the above-named application.

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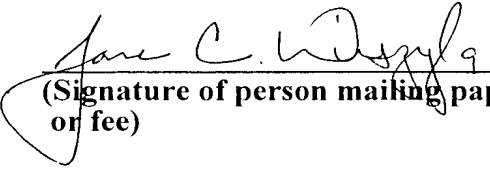
Certificate is attached to the **Preliminary Amendment (1 page)** of the  
above-named application.

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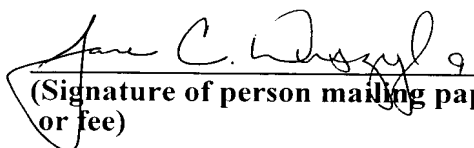
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Certificate is attached to the **Request for Transfer of Computer Readable Record and Statement in Accordance with 37 CFR 1.821(f)** of the above-named application.

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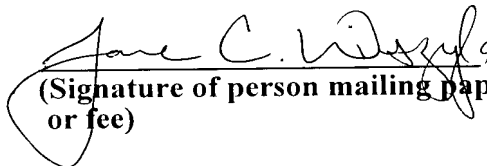
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PTO-1449 Form (11 pages) (in duplicate) with 160 reference listed (not attached)** of  
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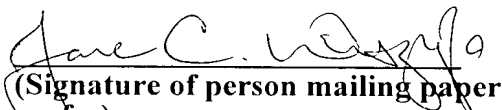
Certificate is attached to the copy of the **Informal Drawings (5 pages)** as filed in the prior application of the above-named application.

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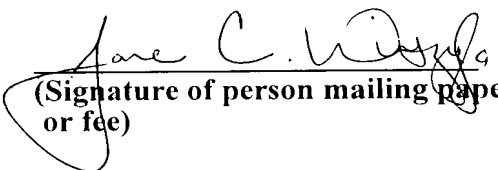
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